

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THOMAS J. KLUTHO, )  
                        )  
Plaintiff,            )  
                        )  
vs.                    )              Case No. 4:07-CV-745 (JCH)  
                        )  
NATIONAL AUTO WARRANTY )  
SERVICES, INC.,        )  
                        )  
Defendant.            )

**ORDER**

The matter is before the Court on Plaintiff Thomas Klutho's Motion for Leave to File Sur-Reply, filed May 7, 2008. (Doc. No. 35). Upon consideration, the Court will deny this request because it seeks to introduce evidence that may not be considered while ruling on a motion for judgment on the pleadings.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Sur-Reply (Doc. No. 35) is **DENIED**.

Dated this 14th day of May, 2008.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE